



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/26/2018

Agenda Placement: 7E

Napa County Legislative Subcommittee Board Agenda Letter

TO: Napa County Legislative Subcommittee
FROM: Helene Franchi for Minh Tran - County Executive Officer
County Executive Office
REPORT BY: Molly Rattigan, Deputy County Executive Officer - 253-4112
SUBJECT: SB 1144 (Dodd)-Refinery Emissions Fines

RECOMMENDATION

County Executive Officer requests discussion and possible action on SB 1144 (Dodd), a bill that would increase civil fines to refineries for emissions that present a serious threat to the health and welfare of the public.

EXECUTIVE SUMMARY

AB 1144 increases penalties for refineries that violate emissions regulations that present a serious threat to the health or welfare of the public. In cases of strict liability the fine would be \$30,000 a day, for cases of negligence it would be \$75,000 a day. In cases where the refiners fail to take correction action the daily fine is \$125,000, and in the most egregious case, where the refinery willfully and intentionally violates emissions laws the fine is \$250,000 per day. In all circumstances, if the refinery has had two or more prior serious violations within three years, the fines would be even higher.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Bay Area refineries have been the source of recent environmental and public health concerns. Refinery incidents and accidents have led to thousands of people seeking medical care, becoming ill or having to shelter in place. Under Title V of the Clean Air Act, major sources of actual or potential emissions must obtain a Title V permit. In the last six years there have been at least three refinery incidents in the Bay Area that impacted environmental and public health.

The Federal Clean Air Act and its implementing regulations set National Ambient Air Quality Standards for six criteria pollutants. In California, the Air Resources Board is the air pollution control agency. Air Resources Board controls emissions from a wide array of mobile sources and coordinates with local air districts to control emissions from stationary sources in order to implement the Federal Clean Air Act. Further, Air Resources Board enforces rules and regulations necessary for the proper execution of its stationary mandates. Local air districts adopt and enforce rules and regulations to achieve and maintain state and federal air quality standards.

Under current law, any person who violates air pollution laws, rules, regulations, permits or orders of the Air Resources Board or district, is guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment in the county jail for not more than six months or both. The person is also strictly liability for a civil penalty of \$5,000 or imprisonment in the county jail for not more than six months, or both. Existing law further provides that when civil penalties are in excess of \$5,000 per day, that there is no civil liability if the accused alleges by affirmative defense and establishes that the violation is caused by an act that was not the result of intentional or negligent conduct. If actual injury occurs, the civil penalty increases to \$15,000.

AB 1144 increases penalties for refineries that violate emissions regulations that present a serious threat to the health or welfare of the public. In cases of strict liability the fine would be \$30,000 a day, for cases of negligence it would be \$75,000 a day. In cases where the refiners fail to take correction action the daily fine is \$125,000, and in the most egregious case, where the refinery willfully and intentionally violates emissions laws the fine is \$250,000 per day. In all circumstances, if the refinery has had two or more prior serious violations within three years, the fines would be even higher.

Rural County Representatives of California: No Position
California State Association of Counties: No Position

SUPPORTING DOCUMENTS

A . SB 1144-Fact Sheet

B . SB 1144-Text

Recommendation: Approve

Reviewed By: Molly Rattigan